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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,536	10/14/1999	DANIEL J. POWERS	10981567-1	9017

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PHILIPS ELECTRONICS NORTH AMERICAN  
580 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591

EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

66

<b>Office Action Summary</b>	Application No. 09/418,536	Applicant(s) POWERS ET AL.	
	Examiner Frances P. Oropeza	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment filed 7/2/02***

1. Claims 1-28 are pending in this application.

Claims 7, 9, 15-17 and 19 were successfully amended to overcome the 35 U.S.C. 112 rejections of record.

The Applicant traversed the rejections of Paper No. 13. The Applicant's arguments are noted below. Following each argument is the Examiner's response.

- 1) None of the Applicant's claims are anticipated by Skelton et al. as the reference fails to disclose all of the elements cited by the Applicant's claims. Skelton et al. fail to disclose the deployment of a defibrillator, monitoring of the ECG data and recording the ECG data and display same in an incident review mode on the same screen.

The Examiner finds Skelton et al. disclose:

- deployment of a defibrillator (c 3, ll 40-42),
- monitoring of the ECG data (c 3, ll 25-29 and c 5, ll 37-39), and
- recording the ECG data and display same in an incident review mode on the same screen. (The pulse data (c 4, ll 12-16) including the waveform (c 8, ll 24-26) is provided to supplement the defibrillation therapy. The data is recorded for review (c 6, ll 15-25) including accumulated ECG data (c 12, ll 13-22). The display of data is shown in figure 4 reference number 98 (a) is an ECG trace. The means to control which waveform is displayed is disclosed in figure 10, reference number 162.

2) The defibrillator has a printer for printing ECG data as an output chart, providing ECG traces or a log of medical treatment during a medical treatment episode, hence Skelton et al. only disclose ECG data in terms of print outs.

Figure 7 shows a sample print out (an ECG wave is included on the print out); the print out is normally associated with a patient "treatment summary". The print out from the printer provides a hard copy recording of medial interventions and actions taken during the course of treating a patient (c 11, ll 5-10). As discussed in 1), ECG waveforms can also be reviewed on the screen.

3) Skelton et al. indicate various medical treatment device modules, including pulse data (c 4, ll 12-16), can be graphically displayed (c 9, ll 64-67), but Skelton et al fail to disclose a recorded ECG history can be displayed.

As discussed in 1), the ECG waveform displayed on the screen is controlled as shown in figure 10 using the buttons (70) associated with the "Trace Menu" window (162) to determine which waveform is to be displayed. The waveform could be the current waveform or a historical waveform, such as is included in the "treatment summary" discussed in 2).

4) No reference or combination of references disclose recording and display of ECG data while using the defibrillator.

Grey et al. disclose recording and displaying ECG data while using the defibrillator as discussed in 1).

5) The combination of the Skelton et al. and Rockwell et al. references and the Skelton et al. and Powers et al. references for the 35 U.S.C. 103(a) rejections is not supported in the rejections.

The Skelton et al. and Rockwell et al. references are deemed combinable as both disclose automatic defibrillators used in emergency situations. The features disclosed by Rockwell et al. and used to modify the Skelton et al. defibrillator would improve patient care by ensuring recorded data is periodically reviewed and patient care is progressing in an optimum fashion.

The Skelton et al. and Powers et al. references are deemed combinable as both disclose automatic defibrillators used in emergency situations. The features disclosed by Powers et al. and used to modify the Skelton et al. defibrillator would improve patient care by ensuring data is periodically (optionally) reviewed, when the battery is inserted and when the defibrillator is turned off.

***Claim Rejections - 35 USC § 102***

2. Claims 1-3, 5-11, 14 and 17-28 stand rejected under 35 U.S.C. 102(e) as being anticipated by Skelton et al. (US 6292692) for the reasons of record.

***Claim Rejections - 35 USC § 103***

3. Claims 4 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Skelton et al. (US 6292692) in view of Rockwell et al. (US 6141584) for the reasons of record.

4. Claims 13 and 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Skelton et al. (US 6292692) in view of Powers et al. (US 5879374) for the reasons of record.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

*FPO*  
*9/19/02*

*[Signature]*  
JEFFREY R. JASTRZAB  
PRIMARY EXAMINER  
*3762*  
*9/25/02*